

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOEY KIMBROUGH,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY AKA
AMERICAN EXPRESS NATIONAL BANK

and

TRANS UNION LLC

Defendants.

Case No. 1:22-cv-01993-TWP-MJD

**DEFENDANT AMERICAN
EXPRESS NATIONAL BANK'S
RESPONSE IN OPPOSITION TO
PLAINTIFF'S MOTION TO
STRIKE (SECOND INSTANCE)**

Defendant American Express National Bank (“American Express”) files this Response in Opposition to Plaintiff's Motion to Strike (the “Motion”) [ECF No. 72] and in support thereof states as follows:

1. In the Motion, Plaintiff Joey Kimbrough (“Kimbrough”) seeks for American Express to provide proof of service of American Express's Response filed on October 30, 2023, docket number 68. Mot. at 2.

2. As stated in American Express's Notice of Corrected Certificate of Service [ECF No. 73], due to a mistake by undersigned counsel, a copy of docket entry 68 was not sent by email to Kimbrough on October 30, 2023.

3. American Express has corrected the mistake and served docket entry 68 by email to Kimbrough on November 2, 2023.

4. Kimbrough has already filed his Reply in Opposition to Defendant's Response in Opposition to Plaintiff's Motion to Strike [ECF No. 69].

Accordingly, American Express respectfully requests the Court deny Plaintiff's Motion to Strike.

Dated: November 2, 2023.

Respectfully submitted,

By: /s/ Adam R. Hoock

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Attorneys for Defendant *American Express National Bank*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 2, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system and certify that a true and correct copy of the foregoing was provided to all parties and counsel of record, including:
joeykokomo2002@yahoo.com.

/s/ Adam R. Hoock

Adam R. Hoock